

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
	:	
vs.	:	
	:	
PHILIP NARDUCCI,	:	88-03
	:	

ORDER

AND NOW, this 6th day of September, 2011, upon consideration of petitioner's motion to correct sentence pursuant to former Rule 35 (Doc. # 42) and motion for specific performance of settlement agreement (Doc. # 47), it is hereby ORDERED that the motions are DENIED.¹

BY THE COURT:

s/: Lawrence F. Stengel, J.

LAWRENCE F. STENGEL, J.

¹ Philip Narducci seeks the award of extra good time credit pursuant to 18 U.S.C. § 4162. The types of extra good time credit allowed are set forth in 28 C.F.R. § 523.1(b). I find the evidence presented does not establish the parties reached a settlement following the Rule 35 motion that would result in Mr. Narducci being awarded the credit sought. Moreover, whether to award extra good time credit is within the discretion of the Bureau of Prisons. See 28 C.F.R. § 0.96(g) (providing "[t]he Director of the Bureau of Prisons is authorized to exercise or perform any of the authority, functions, or duties conferred or imposed upon the Attorney General by any law relating to the commitment, control, or treatment of persons . . . charged with or convicted of offenses against the United States, including the taking of final action in the following-described matters: . . . Allowance, forfeiture, and restoration of all good time pursuant to 18 U.S.C. 4161, 4162, 4165, and 4166 as those sections existed before the enactment of Public Law 98-473 (applicable to offenses committed prior to November 1, 1987)").